

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

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IN RE: COOK MEDICAL, INC. IVC FILTERS  
MARKETING, SALES PRACTICES AND  
PRODUCTS LIABILITY LITIGATION

Case No. 1:14-ml-2570-RLY-TAB  
MDL No. 2570

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This Document Relates to Plaintiff(s)  
MICHAEL S. WARD

Civil Case # 1:23-cv-119

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**SHORT FORM COMPLAINT**

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COMES NOW the Plaintiff(s) named below, and for Complaints against Defendants named below, incorporate The Master Complaint in MDL No. 2570 by reference (Document 213). Plaintiff(s) further show the court as follows:

1. Plaintiff/Deceased Party:

Michael Ward

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2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium

claim:

N/A

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3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

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4. Plaintiff's/Deceased Party's state of residence at the time of implant:

California

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5. Plaintiff's/Deceased Party's state of residence at the time of injury:

California

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6. Plaintiff's/Deceased Party's current state of residence:

California

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7. District Court and Division in which venue would be proper absent direct filing:

United States District Court, Eastern District of California, Sacramento Division

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8. Defendants (Check Defendants against whom Complaint is made):

- ☒ Cook Incorporated
- ☒ Cook Medical LLC
- ☒ William Cook Europe ApS

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: \_\_\_\_\_

- a. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

Paragraphs 1-28

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- b. Other allegations of jurisdiction and venue:

N/A

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10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim

(Check applicable Inferior Vena Cava Filters):

- ☒ Günther Tulip® Vena Cava Filter
- ☐ Cook Celect® Vena Cava Filter
- ☐ Gunther Tulip Mreye
- ☐ Cook Celect Platinum
- ☐ Other:

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11. Date of Implantation as to each product:

September 30, 2015

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12. Hospital(s) where Plaintiff was implanted (including City and State):

**Palmdale Regional Medical Center - Palmdale, CA**

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13. Implanting Physician(s):

Kanwaljit Gill, M.D.

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14. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Failure to Warn
- ☒ Count II: Strict Products Liability – Design Defect
- ☒ Count III: Negligence
- ☒ Count IV: Negligence Per Se

- ☒ Count V: Breach of Express Warranty
- ☒ Count VI: Breach of Implied Warranty
- ☒ Count VII: Violations of Applicable California (insert State)  
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count VIII: Loss of Consortium
- ☐ Count IX: Wrongful Death
- ☐ Count X: Survival
- ☒ Count XI: Punitive Damages
- ☐ Other: \_\_\_\_\_ (please state the facts supporting this Count in the space, immediately below)
- ☐ Other: \_\_\_\_\_ (please state the facts supporting this Count in the space, immediately below)

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15. Attorney for Plaintiff(s):

Benjamin A. Bertram

16. Address and bar information for Attorney for Plaintiff(s):

2345 Grand Boulevard, Suite 1925

Kansas City, Missouri 64108

Missouri Bar # 56945

Respectfully submitted,

**BERTRAM & GRAF, L.L.C.**

/s/ Benjamin A. Bertram

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*Counsel for Plaintiff*